

UNITED STATES DISTRICT COURT

FILED BY MV D.C.

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CLERK, U.S. DISTRICT COURT  
W.D. OF TN, MEMPHIS

Larry Western  
Phifer,

Plaintiff  
V.

All state Insurance Co,  
Defendant

District of Tennessee

NOTICE, CONSENT, AND ORDER OF REFERENCE —  
EXERCISE OF JURISDICTION BY A UNITED STATES  
MAGISTRATE JUDGE

Case Number:

05CV2686-D

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE  
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

**CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented

Signatures

Date

Larry Phifer  
Allstate Ins Co

Terrie K. Sam  
Darkhol

11-3-05  
11-3-05

**ORDER OF REFERENCE**

IT IS ORDERED that this case be referred to a U.S. Magistrate Judge  
United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. §636(c) and Fed.R.Civ.P. 73.

11/7/2005  
Date

Terrie K. Sam  
United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED  
ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 11/15/05

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## Notice of Distribution

This notice confirms a copy of the document docketed as number 10 in case 2:05-CV-02686 was distributed by fax, mail, or direct printing on November 17, 2005 to the parties listed.

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Honorable Bernice Donald  
US DISTRICT COURT